

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LEE EVANS,

Plaintiff,

vs.

NEWARK CITY, former Mayor CORY A. BOOKER, NEWARK POLICE DEPARTMENT, former NEWARK POLICE DIRECTOR GARRY MCCARTHY, Officer JOE HADLEY, Detective RASHID SABUR, Detective KEITH SHEPPARD, SGT. DARNELL HENRY, Detective JOSEPH HADLEY, Officer ANGEL RAMOS, NEWARK POLICE OFFICER JOHN DOE (1-10), ESSEX COUNTY NEW JERSEY, ESSEX COUNTY PROSECUTOR'S OFFICE former acting ESSEX COUNTY PROSECUTOR ROBERT D. LAURINO, former ESSEX COUNTY PROSECUTOR PAULA T. DOW, Assistant Prosecutor PETER GUARINO; Assistant Prosecutor CHERYL CUCINELLO, Detective LOUIS CORREGA, Detective CHRISTOPHER SMITH, Lt. LOU CORREGA, Agency JACK EUTSEY, Detective MICHAEL M. RECKTENWALD, Investigator EDWARD JONES, Investigator PATRICK DEFRANCISCI, ESSEX COUNTY SHERIFF'S OFFICE, Sheriff Officers JOHN DOE (1-10), STATE OF NEW JERSEY, JUDGE PETER J. VASQUEZ, NEW JERSEY STATE POLICE DEPARTMENT, Detective Sergeant WILLIAM TIET JEN, and NEW JERSEY STATE TROOPER (1-10)

Defendants.

Civil Action No.

2:14-CV-120-KM-MAH

Electronically Filed

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT OR IN
THE ALTERNATIVE FOR
SUMMARY JUDGMENT**

To: Tisha N. Adams, Esq.
Law Offices of Tisha Adams, LLC
17 Academy Street, Suite 608
Newark, New Jersey 07102

COUNSEL:

PLEASE TAKE NOTICE that on Monday, _____ at 10:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendants, State of New Jersey; the Essex County Prosecutor's Office; Acting Essex County Prosecutor Robert Laurino; former Prosecutor Paula Dow; Assistant Prosecutor Peter Guarino; Assistant Prosecutor Cheryl Cucinello; Detective Louis Correga; Detective Christopher Smith; Detective Michael Recktenwald; Agent Jack Eutsey; Investigator Edward Jones (deceased); and Investigator Patrick DeFrancisci ("Defendants") shall appear before the Honorable Kevin McNulty, United States District Court Judge, at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for the entry of an Order granting Defendants' Motion to Dismiss the Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or in the alternative, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure dismissing the complaint filed against the Defendants.

PLEASE TAKE FURTHER NOTICE that, in support of Defendants' motion, the undersigned shall rely upon the brief in support of this Motion. Also submitted herewith is a proposed form of Order.

PLEASE TAKE FURTHER NOTICE that pursuant to Appendix N of Local Civil Rules, the Defendants respectfully request oral argument.

SCHENCK, PRICE, SMITH & KING, LLP
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(973) 539-1000
Attorneys for Defendants

By: /s/ John M. Bowens
John M. Bowens

Dated: March 31, 2014